

**NEW HAMPSHIRE BOARD OF NURSING  
MINUTES  
September 18, 2014**

Recorder: Kathryn Dickson, Executive Secretary

TOPIC	DISCUSSION	ACTION
1.0 Call to Meeting	Students welcomed from St. Joseph School of Nursing.	Meeting called to order at 8:00 a.m. with R. Duhaime, Board Chair, presiding. Board members present: K. Baranowski (KB), N. Fortin (NF); K. Kidder (KK), B. Fersch (BF), H. Featherston (HF), T. Collins (TC), C. Smith (CS), J. Kuras (JK), A. Finn-Waddell (AF), R. Petrin (RP) Board staff present: D. Nies (DN), A. Pavlidis (AP), L. Tetreault (LT), S. Goodness (SG), K. Dickson (KD)
1.1 Open Forum	None	
1.2 Addendum 1.2.1 Additions		2.2 Emergency meeting minutes 9/11/14 2.3 Emergency meeting minutes 9/11/14 7.1.1.1 K. Sturtevant, RN Respondent's List of Witnesses Motion for Summary Judgment 7.1.1.2 K. Sturtevant, RN Hearing Counsel's Objection to Motion for Summary Judgment 7.1.2.1 A. Carbonneau, LNA, VS 7.1.3.1 J. Brusard, LNA, VS 7.1.5.1 M. Ellsworth, LNA, VS 7.2.1 M. DeMello, RN, VS 7.2.2 J. Buffum, LNA, Preliminary Agreement for Practice Restrictions 7.4.3 S. S., RN 7.5.9 M. B., LNA 10.3.2.1 Keene State College Nursing Program 11.3.1 RN Scope of Practice: Perform testing needed to determine non-invasive therapy

TOPIC	DISCUSSION	ACTION
1.2.2 Deletions  1.3 Appearances	None	7.1.1 K. Sturtevant 8:30 a.m. 7.1.2 A. Carbonneau 10:30 a.m. 7.1.3 J. Brusard 10:45 a.m. 7.1.4 M. Francis 11:00 a.m. 7.1.5 M. Ellsworth 11:30 a.m. 8.1.1 R. Nichols 1:00 p.m. 8.1.2 R. Cote 1:10 p.m. 8.1.3 D. Haile 1:30 p.m. 8.1.4 R. Lougee 1:45 p.m. 10.3.1 PSU 2:00 p.m. 10.3.2 KSU 2:30 p.m. 10.3.3 NHTI 3:00 p.m.
2.0 Approval of minutes 2.1 August 21, 2014 Regular Board meeting minutes  2.2 September 11, 2014 Emergency meeting – M. DeMello  2.3 September 11, 2014 Emergency meeting – A. Frenzel	Reviewed and discussed.  Reviewed and discussed  Reviewed and discussed.	M/TC, S/JK to approve minutes as written. Unanimous.  M/KK, S/CS to approve minutes as written. Unanimous.  M/KK, S/CS to approve minutes as written. Unanimous.
4.0 Report of Executive Director/Staff        4.1 Expense Summary Budget	DN discussed having DNP student requesting to volunteer at Board office to work with clinical practice questions and NHBON website.  Lori Tetreault, Program Specialist, has tendered her resignation effective October 3, 2014. Board wished her well in her new position.  FYI.	
6.0 Report of Investigator/Prosecutor 6.1 Open files	Reviewed and discussed with LO.	FYI.
7.0 Adjudicative (Investigator/Prosecutor) 7.1 Hearings 7.1.2.1 A. Carbonneau #018442-24	Reviewed and discussed Voluntary Surrender in lieu of hearing.	M/AF, S/KK to approve Voluntary Surrender as proposed. Unanimous.

TOPIC	DISCUSSION	ACTION
7.1.3.1 J. Brusard, LNA Inactive LNA #045279-24	Reviewed and discussed Voluntary Surrender in lieu of hearing.	M/AF, S/KK to approve Voluntary Surrender as proposed. Unanimous.
7.1.5.1 M. Ellsworth, LNA #040633-24	Reviewed and discussed Voluntary Surrender in lieu of hearing.	M/AF, S/KK to approve Voluntary Surrender as proposed. Unanimous.
7.2 Consent Decree/Settlement Agreement/ Voluntary Surrender/Preliminary Agreement for Practice Restrictions		
7.2.1 M. DeMello, RN Volunteer Surrender	Reviewed and discussed Voluntary Surrender.	M/AF, S/KK to approve Voluntary Surrender as proposed. Unanimous.
7.2.2 J. Buffum, LNA Preliminary Agreement for Practice Restrictions	Reviewed and discussed Preliminary Agreement for Practice Restrictions.	M/AF, S/KK to approve Preliminary Agreement for Practice Restrictions as proposed. Unanimous.
7.4 Dismissals (Proposed)		
7.4.1 M. B., RN	Previously reviewed.	M/HF, S/JK to accept recommendations as proposed. Unanimous.
7.5 Recommendations (Proposed)		
7.5.1 C. H., LNA (NF recused)	Previously reviewed.	NF recused. M/HF, S/JK to accept recommendations as proposed. Unanimous.
7.5.2 J. M., LNA	Previously reviewed.	M/HF, S/JK to accept recommendations as proposed. Unanimous.
7.5.3 C. H., LPN	Removed from Consent Agenda for review.	M/KB, S/TC to deny recommendations as proposed and issue Letter of Concern. Unanimous.
7.5.4 M. G., RN (NF recused)	Previously reviewed.	NF recused. M/HF, S/JK to accept recommendations as proposed. Unanimous.

TOPIC		DISCUSSION	ACTION
7.5.5	J. C., LNA	Previously reviewed.	M/HF, S/JK to accept recommendations as proposed. Unanimous.
7.5.6	N. P., RN (NF recused)	Previously reviewed.	NF recused. M/HF, S/JK to accept recommendations as proposed. Unanimous.
7.5.7	B. D., LNA	Previously reviewed.	M/HF, S/JK to accept recommendations as proposed. Unanimous.
7.5.8	R. C., LPN	Removed from Consent Agenda for review.	M/NF, S/TC to accept recommendations as proposed. Unanimous.
8.0	Adjudicative (Executive Director)		
8.2	Recommendations (Proposed) 8.2.1 – 8.2.10 Letters of Concern and Dismissals (BF, LPN, recused Board member)	8.2.5 removed from Consent Agenda for discussion.	M/HF, S/JK to accept recommendations as proposed for 8.2.1 – 8.2.4 and 8.2.6 – 8.2.10. Unanimous. M/TC, S/NF to deny recommendation to dismiss as proposed for 8.2.5 and send Letter of Concern. Unanimous.
9.3	Licensure (Non-appearance)		
9.3.1	D. G., LNA licensure	Previously reviewed.	M/HF, S/JK to allow LNA licensure in NH. Unanimous.
9.3.2	A. B., LNA licensure	Previously reviewed.	M/HF, S/JK to allow LNA licensure in NH. Unanimous.
9.3.3	J. T., RN Examination	Removed from Consent Agenda for discussion.	M/TC, S/KB to request Respondent to appear before Board in November. Unanimous.
9.3.4	J. S., LNA licensure	Previously reviewed.	M/HF, S/JK to allow LNA licensure in NH. Unanimous.
9.3.5	E. V., LNA licensure	Removed from Consent Agenda for discussion.	M/KB, S/KK to allow LNA licensure in NH.

TOPIC	DISCUSSION	ACTION
<p>9.3.6 A. D., LNA licensure</p> <p>9.3.7 M. M., LNA licensure</p> <p>9.3.8 A. E., LPN Examination</p>	<p>Previously reviewed.</p> <p>Previously reviewed.</p> <p>Previously reviewed.</p> <p>M/CS, S/TC to conduct non-public session for purpose of discussion of alleged licensee misconduct. Non-public session is authorized by RSA 91-A:3 II and Board's executive and deliberative privileges. Minutes of non-public session shall be sealed. Board voted as follows: Yea: CS, AF, JK, KK, BF, HF, TC, RP, NF, RB, KB Non-public session began at 9:55 a.m. and concluded at 10:02 a.m.</p>	<p>Unanimous. Yea: KB, KK, TC, CS, BF, HF, AF, RP, NF Nay: JK Motion carries.</p> <p>M/HF, S/JK to allow LNA licensure in NH. Unanimous.</p> <p>M/HF, S/JK to allow LNA licensure in NH. Unanimous.</p> <p>M/HF, S/JK to allow LPN licensure in NH. Unanimous.</p>
<p>7.0 Adjudicative (Investigator/Prosecutor)</p> <p>7.1 Hearings</p> <p>7.1.1 K. Sturtevant Suspended RN #062791-21</p>	<p>Reviewed Respondent's Motion for Summary Judgment.</p> <p>Reviewed Prosecutor's Objection to Respondent's Motion for Summary Judgment.</p> <p>Hearing held for K. Sturtevant, RN #062791-21, Docket #14-0414-0428, pursuant to the Nurse Practice Act RSA 326-B and the administrative rules, Chapter 100 - 800, proceeded at 8:45 a.m. with R. Duhaime, Chair presiding. Board members present: C. Smith (CS), J. Kuras (JK), H. Featherston (HF), T. Collins (TC), R. Petrin (RP),</p>	<p>M/NF, S/HF to deny Respondent's Motion for Summary Judgment. Unanimous.</p> <p>M/NF, S/HF to accept Prosecutor's Objection to Respondent's Motion for Summary Judgment. Unanimous.</p> <p>KK recused. M/NF, S/JK to dismiss complaint due to lack of substantial evidence and to reinstate NH RN license. Unanimous.</p>

TOPIC	DISCUSSION	ACTION
	<p>B. Fersch (BF), N. Fortin (NF), A. Finn-Waddell (AF), K. Baranowski (KB)  K. Kidder (KK) recused.  Board staff present: S. Goodness (SG), K. Dickson (KD), Laurel O'Connor, Hearing Counsel for Board of Nursing  Reading of Notice of Hearing waived.  James LaFrance, Esquire, represented Respondent.  Respondent present to offer testimony.  Witness present to offer testimony:  Melanie Bleazard, RN, New London Hospital</p> <p>M/NF, S/JK to conduct non-public session for purpose of discussion of alleged licensee misconduct. Non-public session is authorized by RSA 91-A:3 II and Board's executive and deliberative privileges. Minutes of non-public session shall be sealed. Board voted as follows:  Yea: KB, KK, TC, CS, BF, HF, AF, RP, NF, JK, RB  Non-public session began at 11:25 a.m. and concluded at 11:42 a.m.</p> <p>Hearing concluded at 11:46 a.m.</p>	
<p>11.0 Practice Inquiries and Practice Committee Reports</p> <p>11.1 Liaison (KK)</p> <p>11.2 P &amp; E Committee (NF)</p>	<p>KK reported on Liaison Committee meeting.</p> <p>NF reported on P &amp; E Committee meeting of July 7, 2014. P &amp; E reviewed the following questions:</p> <ol style="list-style-type: none"> <li>1. Can RN or LPN perform decrease/increase on ventilator settings with provider's order? P &amp; E Committee requests more information regarding where this would be taking place and requests clarification on what specific setting changes are being referred to.</li> <li>2. Is it within RN scope of practice to administer TPA and Pulmozyme via pleural chest tube? P &amp; E Committee clarifies the question that is related to pulmozyme and not pulmozine. P &amp; E Committee opines it is not within scope of practice for RN to administer pulmozyme via pleural chest tube related to lack of supportive references and</li> </ol>	<p>M/KB, S/KK to accept P &amp; E recommendations. Unanimous.</p>

TOPIC	DISCUSSION	ACTION
<p>11.3 Request for Board advice re:</p> <p>11.3.1 RN Scope of Practice: Perform testing needed to determine non-invasive therapy</p>	<p>evidence.</p> <p>3. Can LNA, after training, perform MIST therapy (non-contact, non-thermal ultrasound?) P &amp; E Committee opines that it is not within scope of practice for LNA to perform MIST therapy as it requires assessment of wound.</p> <p>4. Is it within scope of LPN to perform peritoneal dialysis on patient? Question addressed at July 17, 2014 Board meeting.</p> <p>5. Reviewed opine on RNs and administration of narcotics through epidural catheters in post partum patients. P &amp; E Committee reconfirmed BON's prior Clinical Practice Advisory from January 2013.</p> <p>P &amp; E Committee discussed Sedasys system and reaffirmed prior statement of January 9, 2013 which was supported by P &amp; E minutes from September 22, 2012 meeting.</p> <p>P &amp; E recommended Kathleen Cummings from NH Hospital for consideration as member of committee.</p> <p>P &amp; E Committee reviewed Position statements on Abandonment and Advanced Airways. Position statement regarding Abandonment should include neglect.</p> <p>Reviewed and discussed question of whether or not RN with certification in Neuro Feedback can work under doctor of chiropractic medicine to perform testing needed to determine non-invasive therapy. This is form of Bio Feedback but is more directed at neurological functions to address anxiety, ADHD, weight loss, smoking cessation.</p>	<p>M/JK, S/AF to approve P &amp; E recommendation for Kathleen Cummings as member of P &amp; E Committee. Unanimous.</p> <p>LT to provide information to NF for clarification to Position statement on Abandonment to include neglect. M/JK, S/HF to approve Position Statement on Advanced Airways. Unanimous.</p> <p>Board consensus to send to P &amp; E for recommendations.</p>

TOPIC	DISCUSSION	ACTION
<p>12.0 Committee Reports and Recommendations</p> <p>12.1 HeM 1201 (RP)</p> <p>12.2 Day of Discussion</p> <p>12.2.1 RN/LPN Day of Discussion (AP)</p> <p>12.2.2 LNA Day of Discussion (LT)</p> <p>12.3 ADA (NF, AF, TC)</p>	<p>RP is new representative at HeM 1201 meetings.</p> <p>AP reported successful Evening of Discussion held on August 26, 2014.</p> <p>LT discussed “MNA Geriatric Boot Camp” held at Walker Building on September 4 and 10.</p> <p>One applicant for review.</p>	<p>M/CS, S/KK to accept recommendations to approve accommodations. Unanimous. M/NF, S/TC to allow RN licensure in NH. Unanimous.</p>
<p>8.0 Adjudicative (Executive Director)</p> <p>8.1 Requests for Reinstatement, Removal of Probation, Restrictions, Modifications or Conditions</p> <p>8.1.1 R. Nichols Inactive RN/APRN #035688-21/23</p> <p>8.1.2 R. Cote, LPN #007069-22</p> <p>8.1.3 D. Haile Inactive RN/APRN #052861-23/23</p> <p>8.1.4 R. Lougee, RN #026377-21</p> <p>8.1.5 M. McCabe Inactive RN/APRN #043206-21/23</p>	<p>R. Nichols presented oral argument in support of petition for reinstatement of RN and APRN licenses.</p> <p>R. Cote appeared before Board to request to have Probation dismissed in accordance with December 2012 Settlement Agreement.</p> <p>D. Haile presented oral argument in support of petition for reinstatement of RN and APRN licenses.</p> <p>Failed to appear.</p> <p>Reviewed and discussed petition for appearance before Board to request reinstatement of NH RN and APRN licenses.</p>	<p>M/KB, S/JK to deny request for reinstatement of RN and APRN licenses. Unanimous.</p> <p>M/KK/S/TC to deny request to have Probation dismissed in accordance with December 2012 Settlement Agreement. Unanimous.</p> <p>M/KB, S/TC to deny request for reinstatement of RN and APRN licenses. Unanimous.</p> <p>M/KB, S/NF to schedule M. McCabe to come before Board on November 20, 2014 with petition for reinstatement. Yea: KB, NF, TC, CS, RP, BF, HF Nay: JK, AF, KK Motion carries.</p>



TOPIC	DISCUSSION	ACTION
10.0 Education 10.3 Educational Issues 10.3.1 Plymouth State University  10.3.2 Keene State College  10.3.3 NHTI-Concord's Community College  10.3.4 Lakes Region Community College  10.3.5 White Mountains Community College  10.3.6 NCLEX Pass Rates	Mary Bantell, Director/Chair, Plymouth State University, appeared before Board to discuss progress to increase first-time NCLEX pass rates.  Joan Earle Hahn, Director, Keene State College appeared before Board to discuss progress to increase first-time NCLEX pass rates.  Mary Jean Byer, Department Head, NHTI-Concord's Community College, discussed with Board Interim Education Report.  Reviewed and discussed Interim Education Report from Lakes Region Community College.  Reviewed and discussed quarterly progress report addressing WMCC program and curriculum changes.  Reviewed and discussed NCLEX pass rates as of 9/4/14.	M/KB, S/NF to place program on <i>Conditional Approval</i> with quarterly reports. Unanimous.  M/KB, S/NF to place program on <i>Conditional Approval</i> with quarterly reports. Unanimous.  FYI.  AP to follow up with letter.  M//KB, S/NF to accept quarterly progress report. Unanimous.  FYI.
16.0 Correspondence/Articles/FYIs 16.1 CSG article, "States Joining Together to License Medical Professionals"  16.2 Article, "Journal of Nursing Regulation", January 2014 "National Accreditation as a Criterion for Ongoing Approval of Education Programs"	FYI.  FYI.  M/CS, S/TC to conduct non-public session for purpose of discussion of alleged licensee misconduct. Non-public session is authorized by RSA 91-A:3 II and Board's executive and deliberative privileges. Minutes of non-public session shall be sealed. Board voted as follows: Yea: KB, KK, TC, CS, BF, HF, AF, RP, NF, JK, RB Non-public session began at 3:30 p.m. and concluded at 3:50 p.m.	

TOPIC	DISCUSSION	ACTION
17.0 Adjournment	<p>Next regular meeting and Board Strategic Planning Session:</p> <p>October 16, 2014  8:00 a.m.  NH Board of Nursing  Conference Room B119  121 South St  Concord, NH 03301</p>	<p>Meeting adjourned at 4:15 p.m.</p> <p>Respectfully submitted,</p> <p>Denise Nies, MSN, RN, BC  Executive Director</p>